

**SUPREME COURT MINUTES
THURSDAY, APRIL 8, 1999
SAN FRANCISCO, CALIFORNIA**

S064345 People, Plaintiff and Respondent

v.

Samuel Martinez, Defendant and Appellant

The judgment of the Court of Appeal is reversed. The conviction of kidnapping in violation of sections 207 and 208 is modified to attempted kidnapping of a person under the age of 14 and the matter remanded for further proceedings consistent with this opinion.

Brown, J.

We Concur:

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Dissenting Opinion by Mosk, J.

S066735 Cel-Tech Communications, Inc. et al.,
Plaintiffs and Appellants

v.

Los Angeles Cellular Telephone Company,
Defendant and Respondent

The judgment of the Court of Appeal is affirmed. The unfair competition law cause of action shall be retried consistently with the legal principles stated in this opinion.

Chin, J.

We Concur:

George, C.J.

Mosk, J.

Brown, J.

Dibiaso, J.*

Concurring and Dissenting Opinion by Kennard, J.

Concurring and Dissenting Opinion by Baxter, J.

*Hon. Nickolas J. Dibiaso, Associate Justice, Court of Appeal,
Fifth District, assigned by the Chief Justice pursuant to article VI,
section 6, of the California Constitution.

5th Dist. Christopher Daniel C., Petitioner

F032627 v.

S076964 Fresno County Superior Court, Respondent
People, Real Party in Interest

Application for stay, motion to file under seal, and petition for
review DENIED.

S073355 In re **Kim Calder Hayes** on Discipline

Due to an error by the State Bar, the order filed November 24,
1998, is corrected to delete the requirement that **Kim Calder Hayes**
take and pass the Multistate Professional Responsibility Examination
within one year of the effective date of the November 24, 1998,
order.

S076179 In re **Timothy Martin Horner** on Discipline

It is ordered that **Timothy Martin Horner** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for six months. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order dated September 23, 1998, approving the stipulation filed September 25, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S076184 In re **Robert Joseph Buscho** on Discipline

It is ordered that **Robert Joseph Buscho** be suspended from the practice of law for ninety days, that execution of suspension be stayed, and that he be placed on probation for eighteen months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving the stipulation filed September 2, 1998, including restitution to Emil Klimach in the amount of \$2,241.10, plus 10% interest per annum from October 10, 1995. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

S076185 In re **Robert F. Dodenbier** on Discipline

It is ordered that **Robert F. Dodenbier** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including actual suspension for 30 days, recommended by the Hearing Department of the State Bar Court in its decision filed July 9, 1998. It is further ordered that he take and

pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid in accordance with Business and Professions Code section 6140.7.

104406-99 THE HONORABLE BARTON C. GAUT, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on April 8, 1999, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: April 8, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council